THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

W.P.No. 18812 OF 2004

28th January, 2006

Between:

Smt. Bharathi Sharma …Petitioner

A N D

1. The District Collector, Hyderabad District and others

…Respondents

THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

W.P.No. 18812 OF 2004

O R D E R :

1. This writ petition has been filed by the petitioner assailing the Memo No. B4/1539/2004, dated 18-8-2004 issued by the District Collector, Hyderabad-1st respondent whereby and where under the request of the petitioner for issuance of 'No Objection Certificate' was rejected.

2. The petitioner claims that her husband K.Ramasharma, purchased plot No.35 admeasuring 541 square yards in Ward No.16 in Survey No. 318/1 under registered sale deed dated 9-10-1972 from Smt. P. Rukmini for a consideration of Rs. 5,500/- She approached the District Collector, Hyderabad for grant of 'No Objection Certificate'. The District Collector, refused to grant 'No Objection Certificate' on the premise that the land has been classified as 'Kharig Khata'. Hence, this writ petition.

3. Heard learned counsel for the petitioner and learned Government Pleader for Revenue appearing for the Respondents.

4. Learned counsel for the petitioner contends that mere entry in the revenue record classifying the land as 'Kharig Khata' cannot be a ground for rejecting the request of the petitioner for grant of 'No Objection Certificate'. He placed reliance on the judgment of this Court in ***Hyderabad Potteries Pvt. Ltd., Vs. Collector, Hyderabad District.***

5. It appears the land bearing Survey No. 318/1 originally belongs to H.E.H. the Nizam late Mir Osman Ali Khan. His name came to be mutated in Record of Rights. While so, in the year 1960-61 his name was deleted from the Revenue records as pattadar and recorded as "kharig Khatha". Legal heirs of the original owner filed petition before the Joint Collector, Hyderabad in File No. B8/33803/64, under Regulation No. 15(2) of the Record of Rights in Land Regulation 1358 Fasli for correction of wrong entry "Kharij Khatha". After due enquiry, the Joint Collector by order dated 19-5-1965 allowed the petition and directed rectification of entries by mutating the name of Nizam as Pattadar and occupant. Some aggrieved parties filed W.P.No. 1984 of 1965 assailing the order of the Joint Collector, dated 19-5-1965. The said W.P.No.1984 of 1965 came to be disposed of with a direction to Joint Collector to conduct a fresh enquiry. In pursuance of the direction in the said writ petition, a fresh enquiry came to be conducted and the Joint Collector passed order for correction of wrong entry. Aggrieved by the said order, the State of A.P. filed revision being Case No. ROR/1290/80 before the Commissioner for Survey and Settlement and Land Records, A.P. which came to be dismissed on 14-9-1981 confirming the order passed by the Joint Collector. The District Collector-1st respondent while issuing a memo in the writ petition did not take into consideration the

earlier order passed by his predecessor in office and also the order passed by the Revisional Authority i.e. Commissioner of Survey and Settlement and Land Records, A.P.

6. In that view of the matter, the memo issued by the District Collector-1st respondent is set aside remitting back the matter to the District Collector-1st respondent to consider the documents placed by the petitioner and pass appropriate orders within six weeks from the date of receipt of a copy of this order. No order as to costs.

7. Accordingly, this writ petition is disposed of. No order as to costs.

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Justice B.Seshasayana Reddy

28th January, 2006

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THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

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